

MAR 09 2006

PATENT &amp; TRADEMARK OFFICE

10563488 - GAI: 3738

PATENT  
81844.0049

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

NISHIDE, et al.

Serial No: 10/563,488

Filed: January 3, 2006

For: Stent To Be Placed In Vivo

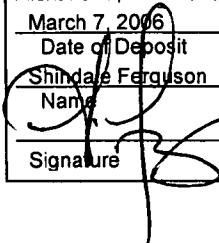
Art Unit: Not Assigned

Examiner: Not Assigned

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450, on  
March 7, 2006

Date of Deposit  
Shindale Ferguson  
Name  
Signature  
March 7, 2006  
Date


**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sirs:

- The information disclosure statement submitted herewith is being filed within three months of the filing date of the application other than a continued prosecution application, or within three months of the date of entry into the national stage of an international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under §1.114, whichever event occurs last. 37 C.F.R. §1.97(b).
- The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(b), but *before* the mailing date of a final action under §1.113, or a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, whichever occurs first. A statement specified in §1.97(e) or a fee set forth in §1.17(p) is included. 37 C.F.R. §1.97(c).

**§1.97(e) STATEMENT**

I, the person signing below, state:

that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

PATENT  
81844.0049

## OR FEE

Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00). [OR:] Please charge the fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c) (\$180.00) to Deposit Account No. 50-1314. A copy of this petition is enclosed.

3.  The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(c), but before, or simultaneously with the payment of the issue fee. A statement specified in §1.97(e) and a fee set forth in §1.17(p) are included. 37 C.F.R. §1.97(d).

## §1.97(e) STATEMENT

I, the person signing below, state:

that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

## AND FEE

Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(d). (\$180.00).

4.  If it should be determined that for any reason either an insufficient fee or an excessive has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to Deposit Account No. 50-1314. **A copy of this petition is enclosed.**

5.  A list of 14 reference(s) is in the enclosed Form PTO-1449.

PATENT  
81844.0049

## NON-ENGLISH LANGUAGE REFERENCES

- Enclosed is a search report for a counterpart application. The search report Examiner has provided comments on the relevancy of any non-English language references cited in the search report.
- The specification incorporates comments on the relevancy of Non-English language references.
- Set forth below are comments provided by the applicant's home country counsel on the relevancy of non-English language references:

Respectfully submitted,  
HOGAN & HARTSON L.L.P.

Bv

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FORM PTO-1449  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  (Use several sheets if necessary)		Docket Number (Optional) 81844.0049	Application Number 10/563,488
		Applicant NISHIDE, et al.	
		Filing Date January 3, 2006	Group Art Unit Not Assigned

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,591,222 (corresponds to JP3-21262)	01/07/97	SUSAWA, et al.			
	6,045,568 (corresponds to JP5-103830)	04/04/00	IGAKI, et al.			
	4,894,366 (corresponds to JP61-148181)	01/16/90	OKUHARA, et al.			

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation
						YES NO
	03-021262	01/30/91	JAPAN			Abstract
	05-103830	04/27/93	JAPAN			Abstract
	09-308693	12/02/97	JAPAN			Abstract
	0 551 182 (corresponds to JP6-009390)	07/14/93	EP			Abstract
	06-009390	01/18/94	JAPAN			Abstract
	02/065947	08/29/02	WO			Abstract
	1 254 674	11/06/02	EP			Abstract
	91/17789 (corresponds to JP5-509008)	11/28/91	WO			Abstract
	95/03036 (corresponds to 9-503488)	02/02/95	WO			Abstract
	91/12779 (corresponds to 5-502179)	09/05/91	WO			Abstract
	61-148181	07/05/86	JAPAN			Abstract

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**


EXAMINER /Cheryl Miller/	DATE CONSIDERED	06/06/2008
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /CM/